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REMARKS

Claims 39, 43-44, 46-49, and 51-53 were pending as of June 17, 2004, the date of the previous Office Action.

35 U.S.C. § 112 rejections

In the June 17, 2004 Office Action, the Examiner rejected claims 39, 43-44 and 46-49 under 35 U.S.C. § 112, first paragraph, as containing subject matter not sufficiently described in the specification so as to convey to a person skilled in the art that the Applications had possession of the claimed invention. Specifically, the Examiner alleged lack of support for the limitation "enhancing memory." The Examiner admitted, however, that Example 2 of the subject specification demonstrates that oral administration of uridine increases concentrations of uridine and cytidine in the gerbil nervous system (page 3, fourth full paragraph).

In response, in order to expedite prosecution, Applicants have cancelled claims 39, 43-44 and 46-49 and submitted new claims 54-60, which do not contain the limitation "enhancing memory" or any similar limitation.

Support for the new claims is found in Example 2 (paragraph 0040) of the subject specification, which demonstrates that oral administration of uridine raises brain cytidine levels. Example 2 further demonstrates that the increased brain cytidine levels results from increased plasma uridine levels.

Therefore, Applicants respectfully request withdrawal of the rejections.

Withdrawal of claims 51-53 under 37 C.F.R. § 1.142(b)

The Examiner has further withdrawn claims 51-53 from consideration under 37 C.F.R. § 1.142(b), alleging that claims 51-53, directed to methods of increasing brain cytidine levels, are distinct from the originally claimed invention and would therefore require an additional search. In response, in order to expedite prosecution, Applicants are submitting herewith a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114, together with new claims 54-60.

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Therefore, Applicants respectfully request consideration of new claims 54-60 under 37 C.F.R. § 1.114.

35 U.S.C. § 112 rejections

The Examiner further rejected claims 39 and 43-44 under 35 U.S.C. § 112 as obvious over Ruthrich et al in view of Polifarma '267 and Piazza et al, and further in view of the Applicants' own admissions. The Examiner alleged that Ruthrich discloses enhanced memory retention in rats following administration of uridine. The Examiner admitted, however, that Ruthrich does not disclose increased brain cytidine levels in response to uridine administration (page 4, fourth paragraph).

In response, in order to expedite prosecution, Applicants have cancelled claims 39 and 43-44 and submitted new claims 54-60, which are not directed to methods of increasing memory, but rather to methods of increasing brain cytidine levels. Methods of increasing brain cytidine levels are not disclosed in Ruthrich, as stated by the Examiner. Accordingly, Ruthrich does not anticipate or render obvious new claims 54-60.

Therefore, Applicants respectfully request withdrawal of the rejection.

The Examiner further cited Applicants assertion in the Declaration of February 9, 2004 that "UMP is quantitatively hydrolyzed to uridine in the intestinal mucosa before entering the blood" to assert that administration of UMP is equivalent to administration of uridine. In order to clarify the record, Applicants would like to refute this statement, which Applicants no longer believe to be true. Therefore, Applicant's respectfully assert that administration of UMP is not necessarily equivalent to administration of uridine.

Similarly, as alleged by the Examiner (November 7, 2003 Office Action, page 5, lines 23-25 and page 7, lines 3-6) Piazza et al discloses treatment of disturbances of the nervous system by administration of uridine, and Polifarma '267 discloses reducing deficits in neuronal functional activity, comprising uridine administration. These references do not disclose methods of increasing brain cytidine levels, as stated by the Examiner with regard to Polifarma '267 (ibid, page 7, lines 6-7). Accordingly, these references do not anticipate or render obvious new claims 54-60.

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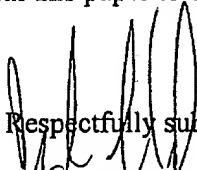
Therefore, Applicants respectfully request withdrawal of the rejection.

The Examiner further rejected claims 39 and 44 under 35 U.S.C. § 112 as obvious over Merlini et al, which allegedly discloses improvement of mental functions by administration of uridine. The Examiner admitted, however, that Merlini does not disclose methods of increasing brain cytidine levels (page 6, second paragraph). Accordingly, Merlini does not anticipate or render obvious new claims 54-60, and Applicants respectfully request withdrawal of the rejection.

In view of the foregoing amendments and remarks, Applicants earnestly request consideration of new claims 54-60 under 37 C.F.R. § 1.114.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 05-0649.


Respectfully submitted,

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